

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

ROSARIO MARTI-LON

Defendant

CRIMINAL 04-0045CCC

O R D E R

Before the Court is a Motion for Reconsideration on Release During Appeal filed by defendant Rosario Martí-Lon on March 1, 2007 (**docket entry 227**). Defendant had already moved for release pending appeal before (see docket entries 204 & 207), which the Court denied after finding that she failed to raise substantial questions of law or fact likely to result in the reversal of her conviction or a new trial. See docket entry 210. In her third attempt, defendant insists on some of the issues unsuccessfully raised before, while advancing new arguments that have the same deficiencies as the previous ones. We remain unpersuaded that either the rehashed or the newly raised issues present substantial questions of law or fact likely to result in reversal of defendant's conviction, a new trial, a sentence with no term of imprisonment or a markedly reduced sentence which would be served before the conclusion of the appeal process.

In any event, we are also unable to conclude by clear and convincing evidence that defendant is not likely to flee if released. See 18 U.S.C. §3143(b)(1)(A). Defendant's illegal conduct netted her substantial profits to which she could still have access, notwithstanding the limited financial resources claimed by her in the Pre-Sentence Report (PSR). In addition, Fed.R.Evid. 404(b) evidence presented at trial demonstrated that she engaged in the alteration of official documents of the Commonwealth, while her conviction on Count Eleven of the Indictment for her fabrication of invoices confirmed that she was actively involved in deceptive conduct. In light of all these circumstances, we are convinced that she would not hesitate to